

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDWARD MAX LEWIS,

Plaintiff,

v.

LEON STENZ, *et al.*,

Defendants.

ORDER

14-cv-446-wmc
App. No. 15-1808

Judgment was entered in this case on March 30, 2015 after the court dismissed plaintiff Edward Max Lewis's complaint with prejudice as legally frivolous. Lewis has now filed a notice of appeal. (Dkt. # 15). He has not paid the \$505 appellate docketing fee, so this court construes Lewis's appeal to include a request for leave to proceed on appeal *in forma pauperis*. That request will be denied.

In determining whether a litigant is eligible to proceed *in forma pauperis* on appeal, the court must find that he is indigent and, in addition, that the appeal is taken in good faith for purposes of Fed. R. App. P. 24(a)(3). *See* 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken *in forma pauperis* if the court certifies in writing that it is not taken in good faith."). Although Lewis has been found eligible to proceed as an indigent litigant previously in this case, the court cannot certify that the appeal is taken in good faith. In that respect, the United States Court of Appeals for the Seventh Circuit has instructed district courts to find bad faith where a plaintiff is appealing claims that have been dismissed as frivolous. *See Lee v. Clinton*, 209 F.3d 1025, 1026-27 (7th Cir. 2000). To the extent that Lewis is attempting to raise on appeal the claims he raised in his complaint, the court certifies that the appeal is not

